

FILED BY J D.C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

05 AUG 22 PM 2:36

ELLIPSIS, INC.,

)

Plaintiff,

)

vs.

)

THE COLOR WORKS, INC.,

)

Defendants.

)

THE COLOR WORKS, INC.,

)

Third-Party Plaintiff

)

v.

)

MARY ELIZABETH WADE,

)

a/k/a Elizabeth Wade,

)

Individually,

)

Third-Party Defendant

)

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S EMERGENCY  
MOTION FOR PROTECTIVE ORDER/MOTION FOR CLARIFICATION  
and

ORDER AMENDING ORDER OF AUGUST 11, 2005 DENYING PLAINTIFF'S AND  
THIRD-PARTY DEFENDANT'S MOTION TO EXTEND THE RULE 16(b) SCHEDULING  
ORDER

Before the court is the August 18, 2005 emergency motion of  
the defendant, The Color Works, Inc. ("TCW"), pursuant to Federal  
Rule of Civil Procedure 26(c), for a protective order imposing  
conditions on discovery. This motion has been referred to the  
United States Magistrate Judge for determination. A hearing was

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 8-22-05

(169)

held on Friday, August 19, 2005. Present at the hearing were Ken Shuttleworth and Ashley Baskette, attorneys for the plaintiff, Ellipsis, Inc., and for third-party defendant Mary Elizabeth Wade, a/k/a Elizabeth Wade, and Danny Van Horn, attorney for the defendant, The Color Works, Inc. Participating by phone was James G Sammataro, attorney for the defendant, The Color Works, Inc.

For the reasons stated at the hearing, the motion is granted in part and denied in part as follows:

1. The depositions of TCW's representatives are to be taken in Greensboro, North Carolina.

2. The discovery deadline is extended to September 30, 2005, only for the purposes of taking depositions.<sup>1</sup> The court's previous order of August 11, 2005 is amended accordingly. All other deadlines in the scheduling order remain the same.

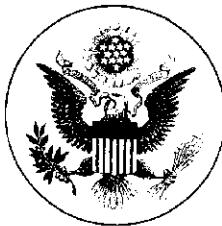
3. TCW's request for an order compelling Ellipsis and Wade to reimburse TCW for expenses incurred as a result of the cancellation by Ellipsis and Wade of the previously scheduled depositions of TCW's representatives is denied as moot. The parties announced that they have reached a tentative agreement on this issue.

IT IS SO ORDERED this 22nd day of August, 2005.

  
\_\_\_\_\_  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> As a result of this ruling, Ellipsis and Wade's counsel announced in open court that they withdraw the appeal of the court's order of August 11, 2005.



# Notice of Distribution

This notice confirms a copy of the document docketed as number 169 in case 2:03-CV-02939 was distributed by fax, mail, or direct printing on August 22, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT